

MYTHS & FACTS ABOUT THE BULLYING / SAFE SCHOOLS BILL

Substitute House Bill 1444

Myth: Our schools have already dealt with bullying.

Fact: Nearly 45% of the school districts in Washington admit they don't even have a policy against bullying and harassment. The same portion have not trained staff on bullying.

Myth: Our state already has plenty of laws that prohibit bullying and harassment.

Fact: No state law requires schools to ban bullying. Criminal laws allow prosecution of some of the most extreme cases, but schools need to intervene early, before bullying escalates into crime.

Myth: This bill interferes with local control, and we can't do that.

Fact: Districts are free to write their own policies; they just have to use a uniform definition. While SPI will make a model policy and model training materials, the content of actual training is up to local officials. True, schools won't be allowed to ignore the problem. But when bullying threatens kids' safety, why should a district be allowed to do nothing about it?

Myth: This bill would require severe punishment of kids who bully.

Fact: Discipline is entirely up to the school district. School officials say minor violations can be remedied without formal discipline. Serious violations can be dealt with formally. It's entirely up to them. The point is to take a stand against bullying, let it be known, and then follow through.

Myth: This bill interferes with a child's freedom to express religious beliefs.

Fact: Debating issues is important to education. Courts say kids can express their beliefs in school as long as they do so in a way that is orderly and not disruptive. And this bill actually protects kids who express religious views in school from being harassed for those beliefs.

Myth: This bill is an unfunded mandate.

Fact: While training is encouraged, all a district is absolutely required to do is make a policy and disseminate it. In these lean fiscal times, money already appropriated by the state will be leveraged to provide a train-the-trainers model so districts will have some training resources available.

Myth: This bill will increase the liability of school districts.

Fact: Students and parents already sue schools for violating students' rights by failing to respond adequately to harassment. Federal law already makes districts remedy bias-motivated harassment—so lawyers don't need a state law or a district policy before they can sue and win. To help prevent harassment and lawsuits, the U.S. Dept. of Education and the National Assn. of Attorneys General have long recommended that every school do what this bill says: make a policy and teach everyone in the school how to prevent, spot and deal with bullying and harassment.

Myth: By protecting gay kids, we're advancing a "homosexual agenda."

Fact: This is about kids. Lots of kids are harassed, often severely, because they're gay or they might be gay or because someone just wants to put them down. This bill protects *all* kids. The alternatives are (1) to just ignore the whole problem of bullying, or (2) to say it's bad to harass other kids—except when they're gay, or you think they might be. Neither is acceptable.

Myth: What's the big deal? They're just kids. Bullying is a normal part of growing up.

Fact: Serious bullying can be deadly. It leads to severe emotional and physical problems, physical violence, and crime. And it keeps kids from learning by making them afraid, or keeping them out of school. See the attached sheets for more information.

Bullying, Intimidation and Harassment *SHB 1444 and ESSB 5528*

The Problem:

Students, teachers, school administrators, and parents across the country in 1999 told state attorneys general that the **causes of youth violence** lie first in the home and second in the way our young people treat each other. They pointed to **bullying**, which is often bias-motivated but also based on anything that makes a child different, as an important cause of violence.

Experts agree that **verbal bullying frequently leads to acts of physical violence** against those bullied, and occasionally goads them into violent retaliation. Attorneys general recommend that states ensure their schools **ban bullying and train teachers, staff, and students** to identify and stop bullying.

Bullying is increasingly recognized by experts as a **serious threat** to the well-being of our young people. Most striking is the link to school shootings, with the U.S. Secret Service having determined that **more than two-thirds** of incidents are motivated by **revenge against bullies**.¹ Across the country, **160,000 kids stay home each day** because they are afraid to go to school--mostly because of bullies.² And victims of bullying often experience **psychological harm**, with 90% of those bullied stating they “suffered side effects, including a drop in grades, an increase in anxiety, and a loss of friends or social life, as a result of being bullied.”³ In Washington state, **more than 60% of eighth graders say they are bullied**, yet fewer than 10% of 10th to 12th graders say they would tell a teacher or other adult if they saw bullying.⁴

The bullies themselves, if left unchecked, escalate their behavior until they become **the next generation of violent criminals**. “A 1991 study found that **60% of boys labeled as bullies** in grades six to nine had **at least one criminal conviction** by age 24 years; 35% to 40% had three or more convictions by age 24 years compared with 10% of control boys who were neither bullies nor victims as children.”⁵ In Maine, **half of all persons convicted of hate crimes are under 18**, and a study of their files showed that virtually all those who had committed the most serious acts of violence had first engaged in **years of escalating harassment and bullying**.⁶

¹ *Safe School Initiative: An Interim Report on the Prevention of Targeted Violence in Schools*, United States Secret Service Threat Assessment Center (October 2000).

² National Association of School Psychologists.

³ Glew et al, *Pediatrics in Review*. Vol. 21(6): 184. June 2000.

⁴ From preliminary results of a survey conducted by the Washington State Office of the Superintendent of Public Instruction, as reported to the state PTA conference on May 5, 2001.

⁵ Olweus, D. *Bullying or peer abuse in school: intervention and prevention*. In: *Psychology, Law and Criminal Justice*. Berlin, Germany: W. Deg; 1995: 248-263.

⁶ *Bruised Inside: What Our Children Say About Youth Violence, What Causes It, and What We Need To Do About It*, National Association of Attorneys General (2000); citing Maine Dept. of the Attorney General's Civil Rights Team Project, www.state.me.us/ag/crt/description.htm.

Adults who don't know bullying is a problem need to **listen to our children**. According to a recent survey by the Kaiser Family Foundation and Nickelodeon, **62% percent of kids 8-15** say teasing and bullying is **either a "very big problem" or a "big problem"** for kids their age; this was **more than for any of the other issue mentioned**, including drugs and alcohol (55%), violence (54%), and "treating people badly because they are different" (57%).⁷

The Proposed Solution:

In 2000 Attorney General Gregoire assembled a **task force** to recommend ways to stop bullying in Washington schools. Chaired by a pediatrician, the task force included a law enforcement representative, a teacher, school administrators, parents, a student, a psychologist, and others concerned with bullying and its devastating effects on our young people. The task force recommended legislation to deal with bullying in Washington's public schools.

The bill (HB 1444, SB 5528) would **require school districts to ban bullying, harassment and intimidation**. To help districts in this effort, the Superintendent of Public Instruction (OSPI) would issue a **model policy**. Policies adopted by school districts would provide appropriate definitions; the consequences of bullying or falsely reporting another for bullying; corrective action; and procedures to publicize the policy, report and promptly investigate incidents, and protect students and others from retaliation.

Under the proposal schools would be required to **notify students of the policy**. Further, the bill would require districts to incorporate information about the anti-bullying policy into their **existing faculty training programs**. In addition, if sufficient funds were appropriated, districts would be required to **discuss the policy with students and train all school employees** and volunteers who have significant contact with students. Districts **will lessen the chance of a lawsuit** by taking these steps and helping to prevent incidents of bullying.⁸

The bill also makes it clear that students and staff have a right to report **harassment without fear of retaliation**. Employees who witness bullying are encouraged to report it to the proper authorities, and are granted **civil immunity from damages** if they make such reports promptly.

The bill is a joint request of the Attorney General, the Governor, and the Superintendent of Public Instruction.

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For further information, call Dave Horn, Assistant Attorney General, 360-586-4562

⁷ Talking With Kids About Tough Issues, results of a survey conducted by the Kaiser Family Foundation and Nickelodeon (March 8, 2001). See <http://www.talkingwithkids.org/nickelodeon/pr-3-8-01.htm> and links.

⁸ "While **federal anti-discrimination laws make school districts responsible for remedying harassment of students**, these laws do not specifically require written policies specifically addressing harassment. However, the **adoption, dissemination, and enforcement of such policies is likely to deter harassment and will help to show that the district does not tolerate or condone such harassment . . .**" *Protecting Students From Harassment and Hate Crime: A Guide for Schools* (U.S. Dept of Education Office for Civil Rights and the National Association of Attorneys General, 1999), http://www.wa.gov/ago/ourschool/1_harass/title.htm, *Intro.*, n. 5.